

Notice of Allowability

Application No.

10/807,969

Examiner

Nam Huynh

Applicant(s)

TSAI ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/20/06.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/23/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


GEORGE ENG

SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 3/20/2006. No amendments were made to the original claims 1-16.

Allowable Subject Matter

1. Claims 1-16 are allowed.
2. The following is an examiner's statement of reasons for allowance: The invention of Tsai et al. (US 10/807969) relates to reducing interference and power consumption in wireless communication systems (page 1, paragraph 5). This reduction is carried out by taking into consideration the level of interference in each timeslot assigned to a Wireless Transmit/Receive Unit (WTRU) (i.e. mobile/user terminal) and determining whether the timeslots assigned to the WTRU may be reduced. The novelty of the invention lies in the aspect that based on this determination or condition, resources of both the neighboring cells and/or the serving cell of the WTRU are reassigned, and then a reevaluation is made to determine whether a reduction of timeslots in the serving cell may be carried out.

In regards to claim 1, a 102(e) rejection was made applying Cayla et al. (US 2004/0004949) in the "Non-Final Rejection" filed on 12/16/2005. However, Cayla et al. does not anticipate all the limitations set forth in the claim. More specifically, the invention of Cayla et al. pertains to a method and apparatus for dynamic assignment of radio resources between cells by transferring timeslots from the least loaded cell to the

most loaded cell (figure 5), and not the reduction of timeslots assigned to the WTRU which is stated in the claim.

Claims 4, 7, and 12, are also allowable for the reasons set forth in regards to claim 1.

Accordingly, Applicant's claims are allowed for these reasons and for the reasons recited by the Applicant in the Amendment filed on 3/20/2006.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. Pan et al. (US 6,993,002) pertains to code power measurement for dynamic channel allocation (title). Pan et al. teaches utilizing the minimum number of time slots for a given number of resource units in order to reduce interference to neighboring cells, but does not teach reassignment of resources of neighboring cells and/or the serving cell to reduce the amount of interference imparted on the serving cell. Furthermore, this Patent has a common assignee with the present application.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH
7/11/06


GEORGE ENG
SUPERVISORY PATENT EXAMINER